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RD-26,970

**REMARKS**

Claims 1-15, 18-40 and 48-57 are pending in the application. Claims 41-47 had been withdrawn from consideration, pursuant to a previous Restriction Requirement. At this time, all of the claims have been allowed, except for claim 50. (The last-mentioned claim is discussed below). Applicant has reviewed the other allowed claims, and made a number of changes, which are briefly discussed below.

Claim 1 has been amended to change the maximum amount of chromium from 95 atom % to 85 atom %. Applicant emphasizes that this change is not being made to avoid any prior art. Instead, the change is made to allow for a minimum amount of rhenium, i.e., 15 atom %, as recited for component (b) of the claim. This type of change has been made to other claims earlier on in prosecution, with the approval of the Examiner. No new matter is being inserted.

Claim 6 has been amended to delete the recitation of a range of chromium, since that range was redundant in view of the amendment to claim 48, discussed below.

Claim 13 has been canceled, in view of the fact that the level of ruthenium was redundant in view of previously-amended claim 49. Claims 14 and 15, which previously depended from claim 13, have been changed to depend from claim 49. (Claims 16-17 had been canceled in a previous Response).

Claim 27 has been amended in several ways. Cobalt has been removed from the claim, in view of it already being recited in claim 49. In addition, other elements which are often found in superalloy substrates have been added. Support for the additional elements can be found, for example, in

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paragraph 17 of the specification. No new matter has been added, and the claim merely represents a more specific embodiment than claim 26.

Claims 33 and 34 have been changed, so that the term "nickel-chromium" is used in place of "nickel-chrome". Arguably, the terms have the same definition, but "nickel-chromium" might sometimes be preferred. Compositions of this type are generally described in paragraph 38 of the specification. The same type of change is made in claim 40.

Additional language has been added to claim 40, specifying that the components in paragraph (II) of the claim are present in a sum no greater than 100%. Such language does not add new matter, and could in fact be inferred from the original language. The additional phrase simply allows for the minimum levels of components (b) to (d) when component (a) is present at its maximum level. (Adjustment of the maximum level of chromium would be an alternative method of making the same point. Such a change was made in claim 48, reducing the chromium level to account for the minimum level of tungsten). Lastly, a slight change was made for component (c), to improve "readability".

Claim 50 remains rejected under 35 U.S.C. 102(b), in view of Fischbein et al ("Fischbein"), U.S. 3,829,969. The reference has been discussed in detail in previous correspondence. Applicant continues to maintain that the patent fails to describe a "barrier coating", as in the present invention. Moreover, the use of such a coating between a substrate and an overlying layer is also never described. Furthermore, the coating which Fischbein does describe is extremely thin. As discussed in a previous Response, that feature seems to be in line with Fischbein's use of the coated article as a shaving instrument.

In contrast to the Examiner's position, Applicant maintains that the term "barrier" does provide a structural definition to the coating. The

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concept of a barrier in this particular application is described at length in the specification, e.g., paragraph 12. There is no evidence that the coating in Fischbein - especially at its prescribed thickness - could perform such a function.

To summarize, Applicant maintains that claim 50 is not anticipated by Fischbein. However, to reduce issues and conclude prosecution, the claim is now being amended. As set forth above, a thickness for the coating is now recited in the claim. Support for the thickness range is found in various sections of the application, e.g., paragraph 32 and claim 35. The range of about 1-50 microns is somewhat approximate. However, that range far exceeds the thickness of the coatings in Fischbein, which appear to have a maximum thickness of 600 Angstroms (column 3, lines 16-21). In view of these remarks and amendments, Applicant submits that claim 50 should now be allowed.

One other change is being made to the claim, however. The lower level of chromium in component (a) is being raised to about 40 atom %. This change is not intended to narrow the scope of the claim, but to instead account for the maximum level of elements in component (b), i.e., about 60 atom %. In this instance, the transitional term "consisting essentially of" generally excludes other materials which would materially affect the composition. (However, Applicant does wish to emphasize that other materials could be present in the composition of claim 50, as long as they do not significantly change its characteristics.)

It is Applicant's view that all of the pending claims are ready to issue, with the approval of the Examiner. Any remaining issues are hopefully minor, and capable of being handled over the telephone.

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Respectfully submitted,

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